

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**ORIGINAL  
RECEIVED**  
MAY 20 1996

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Implementation of the Local  
Competition Provisions of the  
Telecommunications Act of 1996

CC Docket No. 96-98

**PAGENET'S SEPARATE COMMENTS ON NUMBER ADMINISTRATION**

**PAGING NETWORK, INC.**

Judith St. Ledger-Roty  
**REED SMITH SHAW & MCCLAY**  
1301 K Street, N.W.  
Suite 1100 East Tower  
Washington, DC 20005  
Telephone: (202) 414-9200

Lee A. Rau  
**REED SMITH SHAW & MCCLAY**  
8251 Greensboro Drive  
Suite 1100  
McLean, Virginia 22102  
Telephone: (703) 734-4600

May 20, 1996

05/14

## TABLE OF CONTENTS

|  | <u>Page No.</u> |
|--|-----------------|
| Summary.....   | i               |
| I. The Principles That Should Govern Number Administration .....   | 1               |
| 1. There should never be a shortage of numbers.....  | 1               |
| 2. Splits excepted, there should never be a take back of numbers.....  | 2               |
| 3. There should never be any form of discrimination.....   | 2               |
| II. Selection of a Neutral Number Administrator (NPRM ¶¶ 250-53) .....                                       | 2               |
| III. State Role in Numbering Administration (NPRM ¶¶ 254-58) .....   | 5               |
| A. PageNet's Position .....  | 6               |
| B. Relief Planning and Implementation Triggers .....   | 9               |
| C. State Commission Review of Relief Plans Has Frustrated the Objectives of the <u>Ameritech Order</u> ..... | 11              |
| D. Factors Contributing to Implementation Delays .....   | 19              |
| E. The Proper Scope of State Jurisdiction and The Standards To Be Applied.....                               | 23              |
| 1. Reaffirmation That Service Specific Overlays Are Per Se Lawful.....                                       | 23              |
| 2. Split Standards .....   | 24              |
| 3. Overlay Standards .....   | 28              |
| 4. Implementation Standards .....  | 30              |
| 5. Rationing Standards .....   | 31              |
| 6. Additional State Functions .....  | 31              |

## **Summary**

Consistent with the Ameritech Order, three principles should govern number administration:

- 1. There should never be a shortage of numbers.**
- 2. Splits excepted, there should never be a take back of numbers.**
- 3. There should never be discrimination.**

The need for impartial number administration and the timely availability of numbering resources requires the Commission to monitor the transfer of NXX code administration to the new NANP Administrator in order to assure that it occurs within the time frame ordered.

The Commission should delegate a portion of its jurisdiction over number administration to state commissions that choose to exercise that jurisdiction. That delegation, though, should be clearly defined as to scope, review standards, and decision time limits.

The objectives of the Ameritech Order have been frustrated by delays in the planning, review and implementation of NPA relief plans. These delays have resulted in artificial number shortages and unreasonable discrimination against wireless service. The Commission must devise a means to assure that this will no longer occur. One approach might be to establish objective triggers to assure that the process of planning and reviewing NPA relief plans begins and ends within time frames that will make number resources available without such discrimination. In an NPA

where the supply of NXX codes available for assignment are reduced to trigger levels, the code administrator would be required to implement a competitively neutral overlay. That is because overlays, unlike splits, can be implemented very quickly. They can thus be used to assure a continuous supply of NXX codes and avoid the need for rationing or other forms of discrimination, which typically have the greatest impact on wireless service. The "default" to an overlay should be done, where possible, in a manner that would not prejudice transition from the overlay back to a split should a state commission ultimately determine that a split better serves the public interest.

The scope of state commission jurisdiction should include the authority to choose between splits, boundary adjustments and overlays. That authority should be exercised subject to the following standards:

- Overlays must include all services and a 10-digit dialing plan.
- Number take backs must be strictly limited to the change of wireline area codes required to implement a split.
- Wireless subscribers connecting to a tandem but which, nonetheless, voluntarily change their number in a split to the new area code prefix must have the same right as a wireline subscriber to the same NXX-XXXX number those subscribers had before the split
- Relief plan implementation must be accomplished without discrimination.
- NXX codes cannot be rationed; they must be made available on a first-come first-served basis.

In addition, subject to and consistent with industry assignment and relief guidelines state commissions should be given the authority to define area code boundaries, to monitor NXX code utilization, and to require the initiation of the relief planning process, subject to the Commission's delegation of authority and the numbering guidelines set forth by the Commission.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|                                |   |                     |
|--------------------------------|---|---------------------|
| In the Matter of               | ) |                     |
|                                | ) |                     |
| Implementation of the Local    | ) | CC Docket No. 96-98 |
| Competition Provisions of the  | ) |                     |
| Telecommunications Act of 1996 | ) |                     |
|                                | ) |                     |

**PAGENET'S SEPARATE COMMENTS ON NUMBER ADMINISTRATION**

Paging Network, Inc. ("PageNet"), by its undersigned counsel, and pursuant to paragraph 290 of the Commission's Notice of Proposed Rulemaking released April 19, 1996 ("NPRM"), hereby submits its separate comments on number administration. These comments respond to the issues raised by NPRM §§250-253 (selection of a neutral number administrator) and NPRM §§254-58 (state role in numbering administration).

**I. The Principles That Should Govern Number Administration.**

PageNet believes, consistent with the Ameritech Order, that there are three principles that should govern number administration:

**1. There should never be a shortage of numbers.**

There is no valid reason why a shortage of numbers should ever occur. Additional numbers can always be made available. These numbers can be made available through the addition of a new area code and can be implemented through either an area code split or an all-services overlay. As set forth herein, splits require in the range of eighteen months to implement, after the geographic

area to be split has been determined. Overlays can be implemented in a competitively neutral fashion almost immediately. Through a careful assignment of NXX codes, moreover, such an overlay can almost always be converted to a split.

**2. Splits excepted, there should never be a take back of numbers.** Splits by definition require area code changes to the telephone numbers served out of wire centers in the new area code. With that limited exception, there is no valid reason why any telephone number should ever be forced to be changed. Even in a split, the mandatory take back of Type II wireless numbers is unnecessary and, therefore, unreasonable. It needlessly interferes with subscriber choice. It does not promote efficiency in the use of numbers. It does not balance the burdens of number relief.

**3. There should never be any form of discrimination.** Numbers should always be available on a first come, first served basis. Dialing requirements should always be uniform.

## **II. Selection of a Neutral Number Administrator (NPRM ¶¶ 250-53)**

PageNet supports the action that the Commission has already taken to require the designation of an impartial number administrator in its North American Numbering Plan ("NANP")

decision.<sup>1</sup> Local Exchange Carrier ("LEC") administration of numbering resources was appropriate prior to deregulation of the telecommunications industry. Competition, though, requires an impartial, independent administrator.

As the Commission recognized in its Ameritech Order, numbering resources control access to the public switched telephone network ("PSTN").<sup>2</sup> The administration of NXX codes by the dominant LEC has thus given those LECs the ability to impede that access and such administration has had that effect for two reasons. First the LEC code administrators have chronically understated the projected demand for NXX codes.<sup>3</sup> As a consequence, the initiation of NPA relief planning has typically been unduly delayed. This has complicated the ability of interested parties and state commissions to resolve disputes over relief planing in a timely manner. The result has been numbering

---

<sup>1</sup> In re Administration of the North American Numbering Plan, FCC 95-283, Report and Order (released July 13, 1995) ("NANP Order").

<sup>2</sup> In re Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Declaratory Ruling and Order, FCC, IAD File No. 94-102 at ¶19 (released January 23, 1995) ("Ameritech Order"). PageNet is one of the wireless carriers that initiated the petition that resulted in the Ameritech Order.

<sup>3</sup> Telephone numbers under the NANP consist of 10-digits, with three parts. The first part is the Numbering Plan Area ("NPA"), or more commonly, the "area code". NANP Order at ¶8. The second is the central office code or telephone exchange. Under the NANP, these are known as "NXX codes". See NANP Order at ¶9. The final four digits is the line number.

shortages and thus a failure to make numbering resources available on a timely basis: an essential goal of number administration.<sup>4</sup> It has also led to implementation problems. As discussed more fully below, those problems have typically been resolved at the expense of wireless service and with considerable caller inconvenience and confusion.

Secondly, dominant LEC NXX code administrators have tended to insist on relief plans that impede competition. One example, is the wireless overlay proposed by Ameritech for the 708 area code which resulted in the Ameritech Order.

These problems are likely to persist until NXX code administration has been completely transferred to the new NANP administrator. The chronic under-projection of NXX code demand, for example, is in part a function of the inherent inability of a LEC to collect accurate demand forecasts from their competitors. Those forecasts are strategically important, and carriers are understandably reluctant to supply that information directly to their largest and most dominant rival.

PageNet, therefore, believes that it is critically important that the Commission closely monitor the transition of number administration to the new NANP administrator. This is required to assure that this transition is completed within the time frame required by the NANP Order.<sup>5</sup>

---

<sup>4</sup> See Ameritech Order at ¶19.

<sup>5</sup> See NANP Order at ¶115.

### **III. State Role in Numbering Administration (NPRM ¶¶ 254-58)**

The Commission requests comment on whether it should "reassess the jurisdictional balance between the Commission and the states that was crafted in the Ameritech Order."<sup>6</sup> That order seeks to encourage the introduction of new technologies and the offering of new services. Id. at ¶13. The Commission recognized that these "objectives" are "essential" to the realization of the statutory goals established by the Communications Act. Id. It thus wisely declared that the administration of telephone numbering resources should be even handed and technology neutral. See id. at ¶18.

Additionally, the Commission recognized the importance of making numbering resources available on a timely basis. It thus declared that:

The ready availability, and use, of numbering resources by communications services providers is essential if the public is to receive the communications services it wants and needs. The timely availability of numbers is essential if new providers are to enter and new services are to appear in the telecommunications marketplace. For example, new wireless service providers and competitive access providers (CAPs) can not offer service without adequate access to new telephone numbers. Unavailability of numbers, or an unreasonable allocation of available numbers, could prevent or discourage consumers from taking new services.

---

<sup>6</sup> NPRM at ¶257.

#### **A. PageNet's Position**

Pursuant to Section 251(e) of the Communications Act, as amended by the Telecommunications Act of 1996, the Commission should delegate a portion of its jurisdiction over number administration to state commissions that choose to exercise that jurisdiction. That delegation should be clearly defined as to scope, review standards, and decision time limits. That clarity in the definition of state jurisdiction is required to assure that the sound objectives of number administration set-forth in the Ameritech Order will not be frustrated. Those objectives have been frustrated by delays in state resolution of disputes over NPA relief plans and by state application of standards that are inconsistent with those objectives. The relief implementation problems that have arisen as a result of those delays have frequently been resolved by discrimination against wireless service and have resulted in number shortages.

The Commission must devise a means by which a state commission's exercise of its delegated jurisdiction over relief plans does not have these consequences. One approach might be to establish objective triggers to assure that the process of planning and reviewing NPA relief plans begins and ends within time frames that will make number resources available without such discrimination. Thus the Commission could require that relief planning begin before the supply of NXX codes available for assignment is reduced, for example, to the 200 code level. It could further require that state commission review must be completed and plan implementation begun before that level is

reduced to 100 codes. In an NPA where the trigger levels of NXX codes are reached, the code administrator would be required to implement an all-service overlay with a 10-digit dialing plan, with the ability to transition that overlay back to a split where both desirable and feasible.

Such a default is appropriate because the implementation of a competitively neutral all-service overlay can be achieved within much shorter time frames than a geographic split. This is because there is no need, in the case of an overlay, and unlike a split, for permissive dialing and the aging of numbers. Implementation of an overlay would not preclude the ultimate implementation of a split so long as any such split could be implemented without creating number shortages or departing from the assignment of NXX codes on a first come, first served basis.

A required use of an overlay as a default should largely eliminate the need for this Commission to take any action in the event that a state commission acts inconsistently with its delegated authority. Any such action would simply be preempted by the regulations by which state jurisdiction over number relief plans is delegated and the code administrator would automatically be required to make new numbers available by means of an overlay, with a potential transition back to a split.

In addition to triggers, the Commission should consider the imposition of very strict time limits on state commission review of relief plans. It could thus require, for example, that a state commission issue a final order in any such review proceeding within ninety days after a relief plan or plans have

been submitted to it for its review. The trigger for initiation of such proceeding would be notification by the code administrator that there were 200 codes left.

The scope of state commission jurisdiction should include the authority to choose between splits, boundary adjustments and overlays. That authority should be exercised subject to the following standards:

- Overlays must include all services and a 10-digit dialing plan.
- Mandatory number take backs must be strictly limited to the change of wireline area codes required to implement a split.
- Wireless subscribers connecting to a tandem but which, nonetheless, voluntarily change their number in a split to the new area code prefix must have the same right as a wireline subscriber to the same NXX-XXXX number those subscribers had before the split.
- Relief plan implementation must be accomplished without discrimination.
- NXX codes cannot be rationed; they must be made available on a first-come, first-served basis.

In addition, subject to and consistent with industry assignment and relief guidelines,<sup>7</sup> state commissions should be given the authority to define area code boundaries, to monitor

---

<sup>7</sup> NXX code and relief is governed by guidelines developed under the auspices of the Commission by the Industry Carriers Forum. See Industry Carriers Compatibility Forum, Central Office Code (NXX) Assignment Guidelines (Rev. 4/7/95) ("Industry Assignment Guidelines"); Industry Carriers Compatibility Forum, NPA Code Relief Planning Guidelines (Rev. 8/19/94) ("Industry Relief Guidelines").

NXX code utilization, and to require the initiation of the relief planning process.

#### **B. Relief Planning and Implementation Triggers**

PageNet believes that state jurisdiction over NPA relief planning will be consistent with the stated objectives of the Ameritech Order only if relief planning and review is completed within time frames that will assure a continued availability of numbers on a first come, first served basis without regard to the type of service requesting numbering resources. In order to assure that this occurs, one approach might be to require the implementation of a competitively neutral all-service overlay where relief planning and review are not projected to begin and end within a time frame that will permit an even handed and technology neutral implementation of number relief. This requirement could be triggered, for example, whenever relief planning does not begin before the level of NXX codes available for assignment is reduced to 200 and again where implementation of a relief plan does not begin before that level is reduced to 100. Despite the implementation of an overlay based on these triggers, a state commission could still, in many instances, transition the overlay back to a split. By limiting NXX code assignments from the new area code to those that match telephone numbers that would not be changed in the event of a split, that would still be possible. Such a limitation would preserve the ability to offer permissive dialing to the geographic area where wireline numbers would be changed.

The principle reason why PageNet urges that overlays be used, at a minimum, as the transitional default form of relief is that they can be implemented on an even handed and technology neutral basis far more quickly than splits or boundary adjustments. As more fully explained below, unlike a split, an overlay makes additional numbers available almost immediately. In the case of a split, additional numbers generally are not available until after a period of permissive dialing and a further period in which to age numbers before they can be assigned for use.

Despite this general inability of a split to make additional numbers rapidly available, with a careful assignment of NXX codes from the relief NPA, an overlay can be converted to a split. This simply requires the code administrator under the overlay to limit the initial assignment of relief NXX codes from the new NPA to those that match the old area code NXX codes that are assigned to the portion of the old area code where telephone numbers will not change in the event of such a conversion. That will preserve the ability to have a permissive dialing and number aging period for the area where the numbers will change in such an event. That is because, within that area, there will be no conflicting NXX code assignments to interfere with the ability to place a call to those whose numbers are changing using either the old or the new area code. The only relief NXX code assignments that will conflict with the old NXX code assignments will, thus, be for numbers that will not be changed anyway and for which permissive dialing is therefore irrelevant.

In most instances it will be relatively easy to identify all or most of the area in which numbers will not change if there is a conversion. This is because, ordinarily in a split, numbers are not changed in that portion of the old area code where the majority of the business subscribers are located. The reason for this is that number changes generally impose on business subscribers a much greater burden than residential subscribers because of the expenses of printing new stationery and business cards and otherwise publicizing a number change.

The use of overlays as default will thus assure that numbers are always available. It will eliminate the need for code rationing and it will largely eliminate the need for further Commission involvement in disputes over relief planning. Where a code administrator or state commission acts or fails to act in a manner that is inconsistent with the Commission's numbering administration principles, the regulations by which it delegates jurisdiction over number administration to the states will preempt that delegation and require the code administrator to implement an overlay. That again need not interfere with a state commission's ability to convert that overlay into a split, and it will assure that there is a continuous supply of telephone numbers.

**C. State Commission Review of Relief Plans Has Frustrated the Objectives of the Ameritech Order**

There are at least two respects in which the state jurisdiction crafted by the Ameritech Order has frustrated the objectives of that order. First is the fact that the resolution of the disputes that NPA relief plans have engendered generally

has not been sufficiently prompt to avoid what have proven to be serious implementation problems. Typically, these problems have included number shortages: precisely the antithesis of the stated goal to make numbering resources available on a timely basis. They have also included customer inconvenience and confusion. These conditions have indeed become the norm rather than the exception.

Second, these implementation problems have generally been resolved at the expense of wireless carriers and their subscribers. There have thus been protracted periods during which wireless service has been forced to suffer discriminatory dialing requirements and other differences in their access to numbering resources. In some instances, such access has been temporarily interrupted altogether.

One example of how state proceedings have frustrated the objectives of the Ameritech Order is the very numbering plan dispute that resulted in that order, which concerned the then threatened exhaust of the 708 area code in suburban Chicago. Prior to the entry of that order, the affected carriers reached an industry consensus calling for an all-service overlay with a 10-digit dialing plan.<sup>8</sup> Once an Illinois Commerce Commission ("ICC") hearing examiner recommended approval of that plan after hearings thereon, a coalition, including three suburban municipal

---

<sup>8</sup> See In re Illinois Bell Telephone Company Petition for Approval of NPA Relief Plan for 708 Area Code by Establishing a 630 Area Code, Docket No. 94-0315, Order at 7-10 (March 20, 1995) ("Illinois 708 Order").

conferences<sup>9</sup> and the Illinois Attorney General, belatedly intervened and pressured the ICC into accepting a last minute double geographic split after the 708 area code had already effectively reached exhaust.<sup>10</sup> A complicated double split plan was required in order to provide for a reasonable period of permissive dialing and even then the final order recognized that it might be necessary to take back numbers from wireless carriers to make the plan work.<sup>11</sup> Ironically, this risk was due to the fact that some wireless carriers had already been issued conflicting NXX codes due initially to Ameritech's attempts to impose an unlawful wireless overlay and the wireless carriers' later agreement to forego their right to 708 NXX codes in order to make an all-service overlay feasible.<sup>12</sup> The wireless carriers were thus twice punished for Ameritech's refusal to assign them 708 numbers and punished again for their willingness to cooperate

---

<sup>9</sup> These conferences were the Northwest Municipal Conference, the Dupage Mayors and Managers Conference, and the South Suburban Mayors and Managers Association. The authority of these conferences to speak for the municipalities that they purported to represent was questionable. Indeed, the City of Schaumburg, a conference member, sued Ameritech when the split line proposed by the conferences in the 708 proceeding resulted in 10-digit number changes for 30,000 wireline subscribers.

<sup>10</sup> See id. at 10. In a dissenting opinion to the Illinois order, two commissioners observed that "[u]nfortunately, the Commission succumbed to demands arising from forces external to its regular processes, and re-opened the record for further hearing." Dissenting Opinion filed by Commissioners David E. Williams and William M. Dixon, in Illinois Commerce Commission Docket No. 94-0315 at 1.

<sup>11</sup> Illinois 708 Order at 25.

in an effort to implement a competitively neutral relief plan. In the words of one wireless carrier the plan that was finally adopted "demonstrated that no good deed will go unpunished."

Another example, is Florida, where a geographic split was ultimately ordered to relieve the 305 area code (Miami/Fort Lauderdale) despite a carrier consensus supporting another all-service overlay with 10-digit dialing.<sup>13</sup> That split again required extraordinary implementation measures because the split order came at or near total NXX code exhaust. It was implemented in three phases with mandatory dialing required for pagers first, wireline service second, and finally cellular service last.<sup>14</sup> Among the consequences was that pagers suffered a period in which they were required to dial 10-digits on all local calls -- a 3-digit local dialing differential as compared to other services -- and then a flash cut to 7-digit dialing. To place a local call to a pager, moreover, one needed to know four factors. The fact that he or she was calling a pager, the NXX code from which the call was being placed, the type of service from which the call was being placed, and the dialing requirements that applied to that service for the time period in which the call was being placed.

---

<sup>12</sup> Illinois 708 Order at 26.

<sup>13</sup> See In re Petition for Approval of Numbering Plan Area Relief for 305 Area Code by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company, Florida Public Service Commission Docket No. 941272-TL, Final Order at 5 (issued August 23, 1995) ("305 Order").

<sup>14</sup> 305 Order at 25-26.

More recent examples are the 214 (Dallas) and 713 (Houston) area codes in Texas, which are the subject of a still pending consolidated proceeding before the Public Utility Commission of Texas ("Texas PUC"). There Southwestern Bell was already in the process of implementing all-service overlays with 10-digit dialing plans that had been agreed upon by the local carriers.<sup>15</sup> Indeed, the local wireless carriers in Houston already were accepting NXX code assignments from the new relief 281 area code<sup>16</sup> at the time that MCI and the Texas Office of Public Utility Counsel filed complaints with the state commission to block those overlays. An administrative law judge in the Texas proceeding, after an evidentiary hearing, recommended a split

---

<sup>15</sup> See In re Petition of MCI Telecommunications Corporation for an Investigation of the Practices of Southwestern Bell Telephone Company Regarding the Exhaustion of Telephone Numbers in the 214 Numbering Plan Area, Public Utility Commission of Texas Consolidated Docket No. 14447, Order at 16-17 (issued March 13, 1996) ("214/713 Order").

<sup>16</sup> See id. at 17. This they agreed to do, as wireless carriers have in a number of other parts of the country, in order to facilitate the implementation of an all-service overlay. At the time these overlay plans were adopted, the operational support systems ("OSS") of the RBOCs would not support the use of more than one area code in a wire center. As a consequence it was necessary for Bellcore and the RBOCs to upgrade their OSS software before the LECs could overlay their own switches with relief NXX codes. The local wireless carriers thus agreed in several cities to use the new overlay relief NXX codes before actual exhaust so that the LEC could have exclusive use of the remaining supply of NXX codes from the exhausting area code. This occurred in Suburban Chicago (once Ameritech finally agreed to an all-service overlay as opposed to a wireless overlay), Los Angeles (310), Atlanta (404), Miami/Fort Lauderdale (305), Houston (713) and Dallas (214). In each instance, though, third party objections resulted in state commission split orders.

instead of the overlay for Dallas, but agreed that Southwestern Bell should continue to implement the overlay in Houston.<sup>17</sup> His recommendation differed in Houston because the 281 wireless NXX code assignments would interfere with permissive dialing if a split were to be ordered. The Texas PUC, nevertheless, ordered splits in both jurisdictions, which will require a return of at least some of the previously assigned 281 wireless numbers.<sup>18</sup> The state commission had also ordered 214 NXX code assignments temporarily frozen which for a period of time deprived PageNet of assignable numbers altogether until that freeze was lifted.

These implementation problems are the direct result of attempts to implement geographic splits at or near the point where the remaining supply of assignable NXX codes within an existing area code is at or near the point of exhaust. A fundamental problem with geographic splits is that a substantial lead time is required for their implementation before they provide any additional numbering resources. Complicating the implementation of a split, is the fact that permissive dialing in the split context, which permits callers to dial a call as either a call to the old or the new area code, prevents the assignment of NXX codes from the new relief area code that match NXX codes that are in service from the existing area code. This means that a duplicate assignment of NXX codes from the old and the new area

---

<sup>17</sup> 214/713 Order at 8.

<sup>18</sup> See 214/713 Order at 12.

codes cannot occur until after the conclusion of permissive dialing and, ideally, some additional aging period.<sup>19</sup> In the past, a one year period of permissive dialing has been common, and certainly at least six months is advisable. The objective of such periods is to permit the public to become accustomed to the new area codes and to reduce system burdens from misdialed calls. It is also a period in which cellular carriers and alarm companies can reprogram their equipment. An additional aging period is customary to further reduce misdialed calls. Typically numbers are aged for at least ninety days. Permissive dialing, moreover, cannot begin until after translation work has been performed on LEC switches to handle the new area code. For these reasons, ordinarily, it has taken at least a year to implement a split and even longer before the split begins to free up additional numbering resources.

---

<sup>19</sup> The same is not true in the case of an overlay. There is no comparable need to avoid the duplication of NXX code assignments, because, just as is typically true for calls to any foreign area code, a call to an overlay code ordinarily requires one to dial the full 10-digit number that one is calling, including the "area" code. In instances where an overlay is accompanied by a 10-digit dialing plan, implementation plans typically include a period when calls can be placed either by dialing 7 or 10 digits. In the overlay context, however, the call is always to a particular area code. Permissive dialing in the overlay context is thus much different than permissive dialing in a split context where permissive dialing means that calls can be placed to the same 7-digit number by using either area code. In the case of an overlay, consequently, NXX codes can be assigned to carriers for use immediately after the LEC has completed necessary switch translations. There is no need comparable to the split context where matching NXX codes should not be assigned until the conclusion of permissive dialing and a reasonable aging period.

PageNet believes that ideally a split should not be implemented unless there is at least 18 months from the time that a split plan is finally approved until the projected date of NXX code exhaust. This period of time is required to permit the LEC to do necessary switch translations to allow PBX's and other telephone equipment to be reprogrammed, to provide a one year period of permissive dialing, and to provide a subsequent ninety day number aging period.

Attempts to implement splits without an adequate lead time result in both inconvenience and confusion for the public. Last year in Arizona, for example, in order to make numbers available for new service, it was necessary to assign duplicate 520 NXX relief codes in the 602 area code which interfered with permissive dialing and created caller confusion. The alternative would have been to deny service. In Dallas, the Texas PUC froze further 214 NXX code assignments before relief 972 NXX codes were available with the result that PageNet ran out of assignable line numbers. In light of the fact that conflicting 713 and 281 NXX code assignments have already been made in Houston, and the fact that the demand for new service in Dallas will require conflicting 214 and 972 assignments, the Texas PUC ordered what it described as "hybrid" permissive dialing in those cities.<sup>20</sup> As in the case of the 602 area code in Arizona, this means that permissive dialing will not be possible to some line numbers.

---

<sup>20</sup> See 214/713 Order at 18.

Again this will necessarily result in considerable caller confusion and frustration.

The number shortages that have been caused by these implementation delays have a far greater impact on wireless service than they do on wireline. The reason is that the fill factors for wireless carriers typically exceed 90 percent whereas that is seldom the case for wireline carriers. When wireless carriers are unable to get NXX codes it severely limits their ability to satisfy the demand for their service. Wireline carriers, however, ordinarily can make do by such means as using numbers from lightly filled wire centers.

#### **D. Factors Contributing to Implementation Delays**

Several factors have contributed to the high frequency with which splits have been implemented at or near the point of NXX code exhaust. One is the frequent failure of the LEC NXX code administrators to initiate relief planning in time to assure the timely adoption of relief plans. As previously note, they have chronically understated projected demand. That in turn has delayed the start of relief planning and often deprived interested parties and state commissions sufficient time in which resolve their differences. Presumably the transfer of NXX code administration to the New NANP administrator will largely solve this problem.

Another factor, and one that this transfer will not resolve, is the failure of state commissions to deal on a timely basis with the complexity and contentiousness of NPA relief plan disputes. Competition and the increased frequency with which

number relief is required in particularly the metropolitan areas of the country has made number relief extremely complex and contentious. Public controversy, moreover, has been engendered on the one hand by the increasing difficulty of defining split boundaries, which more and more are arbitrarily dividing communities of interest, and on the other by the prospects of 10-digit dialing in the typical overlay plan and the "novelty" of mixing "area" codes. As a consequence, State commission review of relief plans has been protracted. This has been exacerbated by a tendency of some parties to intervene in proceedings or otherwise voice their objections only after a tentative decision has been made. In Illinois and Texas this resulted in the reopening of already protracted proceedings, and materially complicated number relief. It has also resulted in state decisions that are inconsistent with the Ameritech Order. The Texas PUC, for example, has ordered Southwestern Bell to implement wireless overlays in both Dallas and Houston.<sup>21</sup>

Although preferring all service overlays, PageNet cooperated in the implementation of splits throughout the country,<sup>22</sup>

---

<sup>21</sup> Similarly, in ordering a split to relieve the 314 area code, the Missouri Public Service Commission, despite the Ameritech Order, expressed interest in a wireless overlay for the next round of relief. See In re the investigation into the Exhaustion of Telephone Numbers in the 314 Numbering Plan Area, Missouri Public Service Commission Docket No. TO-95-289, Report and Order at 15-16 (issued July 5, 1995).

<sup>22</sup> It thus, for example, specifically agreed to the 203/860 split in proceedings before the Connecticut Department of Public Utility Control. See In re Application of the